

**STATE OF TEXAS
COUNTY OF DENTON
TOWN OF HICKORY CREEK**

The town council of the Town of Hickory Creek, Texas convened in a regular session on January 19, 2016 at 6:30 p.m. in the council chambers, located at 1075 Ronald Reagan Avenue. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Texas Government Code. The following members were present and constituted a quorum of members:

Lynn Clark, Mayor
Tracee Elrod, Councilmember Place 1
Richard DuPree, Councilmember Place 2
Chris Gordon, Councilmember Place 3
Paul Kenney, Councilmember Place 4 arrived at 6:52 p.m.
Eric Wiser, Mayor Pro Tem

Also in attendance were:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Lance Vanzant, Town Attorney

Mayor Clark called the meeting to order at 6:30 p.m.

Following the Pledge of Allegiance, Councilmember Elrod gave the invocation.

Items of Community Interest

There were no items of community interest at this meeting.

Public Comment

There were no speakers for public comment at this meeting.

Item B - Public Hearing

No public hearing.

Item C – Consent Agenda Items

1. December 2015 Police Report
2. December 2015 Fire Report
3. December 2015 Court Report
4. December 2015 Building Report
5. December 2015 Council Meeting Minutes
6. December 2015 Financial Statements

Motion: made by Councilmember Gordon to approve consent agenda Items C1 – C6. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

Item D – Regular Agenda Items

D (1) – Presentation of the 2014-2015 Fiscal Year Audit by Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay.

Carl Deaton of Hankins, Eastup, Deaton, Tonn & Seay presented the audited financial statements for the fiscal year ending September 30, 2015. The assets and deferred outflows of resources of the Town of Hickory Creek exceeded its liabilities at September 30, 2015 by \$7,783,244. Of this amount \$1,932,124 may be used to meet the government's ongoing obligations to citizens and creditors. The town's total net position increased by \$738,916. However, total net position also decreased by \$433,203 due to new standards that required recording the town's Texas Municipal Retirement Systems' net pension liability. As of September 30, 2015 the Town of Hickory Creek's governmental funds reported combined ending fund balance of \$7,646,285, an increase of \$4,632,146 in comparison with the beginning of the period. Approximately 28 percent of this total amount, \$2,148,360 is available for spending at the government's discretion. At the end of the current period, unassigned fund balance for the general fund was \$2,148,360 or 69.8 percent of total general fund expenditures. Mr. Deaton stated the unassigned fund balance represents approximately eight to nine months of normal spending. He recommended the town council maintain a minimum of three months of normal spending in reserve. The audit is required to include the activity of the Economic Development Corporation. The EDC fund balance decreased by \$482,776 bringing the total fund balance to \$1,006,283.

D (2) - Consider and act on a resolution adopting the Denton County Hazard Mitigation Plan, January 2016.

Motion: made by Councilmember Gordon to approve a resolution adopting the Denton County Hazard Mitigation Plan January 2016. Motion seconded by Councilmember Wiser.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

D (3) - Consider and act on a resolution of the Town of Hickory Creek, Texas authorizing the issuance of a water well drilling permit for 135 S. Hook Street, Hickory Creek, Texas.

Motion: made by Councilmember Wiser to approve a resolution authorizing the issuance of a water well drilling permit for 135 S. Hook Street, Hickory Creek, Texas. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wisner.

Nays: None

MOTION PASSED UNANIMOUSLY

D (4) - Consider and act on an appointment to the Code of Ethics Board.

Motion: made by Councilmember Elrod to appoint Kim Krill to the Code of Ethics Board. Motion seconded by Councilmember Kenney.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wisner.

Nays: None

MOTION PASSED UNANIMOUSLY

D (5) - Consider and act on an ordinance amending the Town's Code of Ordinances, Chapter 12: Traffic and Vehicles; Article 12.05 Stopping, Standing and Parking, Division 1. Generally, Section 12.05.001 Definitions to add Two New Terms; Amending Section 12.05.005 Parking of Oversized Commercial Vehicles; Amending Section 12.05.006 Parking in Nonresidential Districts; Amending Section 12.05.007 Parking in Residential Districts or on Property used for Residential Purposes; Amending Section 12.05.008 On-Street Parking.

Motion: made by Councilmember Kenney to approve Item D (5) as presented. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wisner.

Nays: None

MOTION PASSED UNANIMOUSLY

D (6) - Consider and act on bids submitted for the Main Street Reconstruction and Hickory Creek CIP Project.

Motion: made by Councilmember Gordon to accept the bid of Quality Excavation limited subject to the following contingencies; prior to the acceptance of a contract or performance by either party, the town must obtain funding from Denton County in the amount not less than \$200,000 and if such funding is not received by March 1, 2016 this motion is null and void. Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wisner.

Nays: None

MOTION PASSED UNANIMOUSLY

D (7) - Consider and act on installing guard rails on Harbor Lane and Hickory Creek Road.

Motion: made by Councilmember Gordon to accept a bid from Fortson Contracting, Inc. not to exceed \$23,000.00 for Harbor Lane and Hickory Creek Road safety improvements. Motion seconded by Councilmember Kenney

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

D (8) - Consider and act on the final change order for the Harbor Lane reconstruction project.

Motion: made by Councilmember Wiser to approve a change order for the Harbor Lane reconstruction project for a revised contract amount not to exceed \$496,764.00. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

D (9) - Consider and act on allocating funds for the ADA compliant dock for town hall pond.

Motion: made by Councilmember Gordon to allocate \$24,500.00 for the ADA compliant dock for town hall pond. Motion seconded by Councilmember Elrod.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

D (10) - Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 1: General Provisions; Article 1.05: Town Officers, Division 3: Town Administrator; Section 1.05075: Authority to Purchase.

Motion: made by Councilmember Gordon to approve Item D (10). Motion seconded by Councilmember DuPree.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

Item E - Executive Session: The Town Council will convened into executive session at 7:34 p.m. pursuant to Chapter 551 of the Texas Government Code Section 551.071, Consultation with City Attorney and other legal counsel on matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

1. Cause No. 15-10761-211; Texas Voices for Reason and Justice, Inc. vs. The City of Argyle, Texas; The City of Hickory Creek, Texas; The City of Oak Point, Texas and The City of Ponder, Texas, In the 211th Judicial District Court of Denton County, Texas.

2. Cause No. 15-09538-362; Town of Hickory Creek vs. Preston Marcel East, II, In the 362nd Judicial District Court of Denton County, Texas.
3. Discussion regarding confidential contractual negotiations for the provision of fire services.

Item F - Reconvene into Open Session: The Town Council reconvened into open session at 8:50 p.m.

No action taken.

Item G – Adjournment

Motion: made by Councilmember Wiser to adjourn the meeting. Motion seconded by Councilmember Gordon.

Ayes: Councilmember Elrod, Councilmember DuPree, Councilmember Gordon, Councilmember Kenney and Councilmember Wiser.

Nays: None

MOTION PASSED UNANIMOUSLY

The meeting did then stand adjourned at 8:50 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek